

3623

*[Signature]***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Attorney Docket No. 040373-0304**

Applicant: Koichi TOYODA et al.

Title: TEMPORARY WORKER INFORMATION MANAGEMENT SYSTEM, TEMPORARY WORKER INFORMATION MANAGEMENT METHOD, DISPATCHING TERMINAL, JOB OFFER TERMINAL, DISPATCHING INFORMATION SERVER, AND RECORDING MEDIUM

Application No.: 09/873,217

Filing Date: June 5, 2001

Examiner: Colon, Catherine M.

Art Unit: 3623

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO-SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued June 29, 2004 with respect to a counterpart Japanese patent application is provided below.

“(Regarding Reason A)

Although Claims 6–10 include descriptions of hardware resources, such as terminal and tables, from the descriptions in the claims it is possible to interpret them as specifying human behaviors simply using said hardware resources (from descriptions such as “a step in which . . . is done using the terminal,” or “a step wherein . . . is recorded in a table using the terminal,” the subject of the action being unclear, it is possible to interpret them as specifying that each step is being performed by a human), and so these claims still do not constitute “inventions of technical concepts that use natural laws.”

(Regarding Reason B)
Claims 1-12

In the written opinion, the applicant made the assertion that "the most distinctive feature of the inventions of the current application is that, when dispatchable staff data is sent from the dispatch terminal, the dispatch data server searches the vacancy information matching the dispatchable staff information from the vacancy table, and when vacancy information is sent from the vacancy terminal, the dispatch data server searches the dispatchable staff information from the dispatchable staff table, searching the different tables with two types of timing."

In Cited Literature 1, indicated at the beginning, there appears to be no description of the timing of searches. However, when it comes to the timing with which matching is performed (i.e., the timing with which data is searched), this is no more than a design item that would be properly determined by one skilled in the art, and the technical means of searching data when data has been recorded (corresponding to "when data has been sent"), as is disclosed in

- * Japanese Unexamined Patent Application
Publication 2000-137725
- * "Tips for Winning in the Internet Business,"
Asa Publishing Company, Ltd., 5/11/2000,
Volume 8, pages 119-122

is well-known art, and it would be easy to arrive at a structure wherein the table searches are performed with two different types of timing, as in the inventions in the present application.

Consequently, the inventions according to the present application could have been invented easily based on the cited literature already provided and on well-known art."

Applicant's statements regarding the Japanese Office Action is based on a partial translation that Applicant's representative obtained. This statement should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

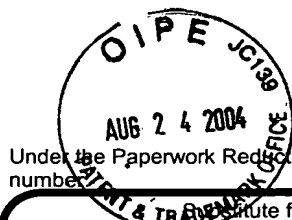
Applicants respectfully request that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

August 24, 2004
Date

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Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: August 24, 2004 <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	09/873,217
Sheet 1 of 1				Filing Date	06/05/2001
				First Named Inventor	Koichi TOYODA
				Group Art Unit	3623
				Examiner Name	C. M. Colon
				Attorney Docket Number	040373-0304

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A1	JP	2000-137725			05/16/2000		ABS

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A2	ARTICLE – "Tips for Winning in the Internet Business", Asa Publishing Co., Ltd., 5/11/2000, Vol. 8, pages 119-122.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.